

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

LEARLY REED GOODWIN,	:	
	:	
Appellant,	:	
v.	:	Case No. 07-4059
	:	Cr No. – 04-cr-0235-2 RWT
	:	
UNITED STATES OF AMERICA,	:	
	:	
Appellee,	:	
	:	

**RESPONSE TO APPELLANT’S MOTION
FOR THE SUBSTITUTE APPOINTMENT
OF AN APPELLATE DEFENSE COUNSEL**

Pursuant to Rule 27(a)(2) Counsel of record for LEARLY REED GOODWIN submits the following response to Appellant’s Motion for Appointment of Substitute Appellate Defense Counsel.

Procedural Posture and Background Information

Counsel was first appointed as trial defense counsel in case number 04-0235 on June 2nd, 2004. Following Mr. Goodwin’s conviction, Counsel assumed the responsibilities of Appellate Defense Counsel.¹ By decision dated November 2nd, 2011 the Court denied Mr. Goodwin’s Appeal for Relief. The mandate was issued on November 28th, 2011.

¹ It should be noted that Appellant moved to have counsel replaced before the filing of the brief.

By letter dated December 12th, 2011 Counsel informed Mr. Goodwin of his intent to withdraw from the case. (Atch 1) A copy of a Motion to Withdraw was enclosed with the letter. (Document No. 374) Mr. Goodwin responded to the Motion by filing a request for Appointment of Counsel. (Document No. 377). While Counsel has no objection to the requested relief, he does take exception to the representation made that “...(H)e basically told my niece he didn’t want anything to do with me since I wasn’t a paying customer.” Indeed, the reason for my declining to file the Petition for Writ is made clear in the aforementioned December 12th, 2011 correspondence.

Conclusion

Given the irreconcilable positions of client and counsel, it would be best if he were appointed a different lawyer at this point in the proceedings.

Prayer

WHEREFORE, the Counsel respectfully reiterates his request that the Court issue an order relieving him of further responsibility and representation in this case.

Respectfully submitted,
ANTHONY D. MARTIN

By: _____/S/

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Counsel for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response to Appellant's Motion for Substitute Appointment of Appellate Defense Counsel was sent by regular mail and/or e-mail to the following:

Leary Reed Goodwin
USP Allenwood, 17219-037
Post Office Box 3000
White Deer, PA 17887

Dated: Monday, January 02, 2012

/S/
Anthony D. Martin